

**REMARKS**

Claims 1 and 3-14 are pending in this application. Claim 1 is the only independent claim. By this amendment, claims 1, 3-9, 11 and 13-14 are amended, and claim 2 is cancelled without prejudice or disclaimer thereto. Reconsideration in view of the above amendments and following remarks is respectfully solicited.

The Claims Define Patentable Subject Matter

The Office Action makes the following rejections:

(1) claims 1-3 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,556,243 to Dotsubo et al. (hereafter Dotsubo); and

(2) claims 4-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Dotsubo.

These rejections are respectfully traversed.

Applicants respectfully submits that Dotsubo fails to teach or suggest each and every feature as set forth in the claimed invention.

The Claims Fail to be Anticipated by Dotsubo

The Examiner alleges that Dotsubo discloses an information-image displaying method in Fig. 8. Specifically, the Examiner alleges that Dotsubo discloses producing an original image of the information image in accordance with a primary pixel number of the subject image in step S25 of Fig. 8 and that Dotsubo discloses

executing a low-pass-filter process in steps S31-S33 of Fig. 8. (see Office Action, page 2, paragraph 2).

However, applicants respectfully submit that a close review of Dotsubo's Fig. 8 merely reveals that in a photograph mode the CPU 28 makes reference to the setting of the image setting button 50 at a step 29 to determine whether this photographed image is "title image" or not. If yes, the Y data is binarized at a step S31 so that the binary data is subjected to an LPF (Low Pass Filter) process at a step S33. In other words, the "title image" is set by the image setting button 50 and the resolution is set at VGA regardless of the setting of the image-quality setting button 63. (see Dotsubo, col. 8, lines 52-65 and col. 7, lines 4-5). Specifically, Dotsubo discloses that the "title image" is set in resolution at VGA (640 pixels x 480 lines). However, the resolution of the recorded subject image in Dotsubo can be XGA, QVGA or VGA. As such, Dotsubo does not produce its "title image" in accordance with the subject image but instead sets the "title image" at VGA, regardless of the resolution of the subject image.

Furthermore, in contrast with Dotsubo, in the present invention an original image of the information-image is produced in accordance with a primary pixel number of the subject image. In other words, the arrangement of the pixels constructing the letters of the information image is designed in accordance with the pixel number of the taken subject image. Thus, in the present invention, for example, the original image is produced on condition that it is displayed on the screen of 1,280 x 1,024 pixels.

However, as noted above, Dotsubo fails to disclose that its "title image" is produced in accordance with the pixel number of the taken subject image. Instead, Dotsubo merely discloses that the "title image" is set by the image setting button 50 with a resolution set at VGA, regardless of the setting of the image-quality. As such, Dotsubo's "title image" pixels fail to be arranged in accordance with the taken subject image, as set forth in claim 1.

In addition, in the present invention, the Low Pass Filter (LPF) process is executed for the original image wherein a target pixel is set in a certain line of the original image and regarding this target pixel and adjacent pixels thereof, a brightness level of each pixel is multiplied by a prescribed coefficient, for example. The multiplied brightness levels are summed up to obtain a new brightness level of the target pixel. (see present specification, page 11).

In contrast with the present invention, it appears that Dotsubo uses the image data of red, green and blue (see Equation 3 to Equation 5) to perform YUV-conversions on the photographed image data. (see Dotsubo, col. 5, lines 16-49). The Examiner alleges that Dotsubo's equation 3 to equation 5 are used to process original pixels, as set forth claim 2. We disagree with this assertion.

For example, it appears that Dotsubo's equation 3 to equation 5 are used for photographed image data, not "title image" data. It is Dotsubo's "title image" data which arguably correlates with the claimed "original image" of the information image. As such, it appears that Dotsubo's use of four (4) adjacent pixels of data is

regarding the photographed image data and not the "title image" data. (see Dotsubo, col. 5, lines 16-21). As such, we believe the LPF process performed on the "title image" in Dotsubo is quite different from the LPF process performed on the "original image of the information data" in the present invention. In fact, Dotsubo fails to specifically describe the steps of the LPF process at step S33 which is performed on the "title image" data.

At least for the above-noted reasons, we believe the claimed invention is distinguishable from Dotsubo.

According to MPEP §2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ...claims." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913 (Fed. Cir. 1989). The elements must be arranged as required by the claims, but this is not an *ipsisssimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 ( Fed. Cir. 1990).

Applicants respectfully submit that the Office Action has failed to establish the required *prima facie* case of anticipation because the cited reference, Dotsubo, fails to teach or suggest each and every feature as set forth in the claimed invention.

Applicants respectfully submit that independent claim 1 is allowable over Dotsubo for at least the reasons noted above.

As for each of the dependent claims not particularly discussed

above, these claims are also allowable for at least the reasons set forth above regarding their corresponding independent claim, and/or for the further features claimed therein.

Accordingly, withdrawal of the rejection of claims 1-3 under 35 U.S.C. §102(e) is respectfully solicited.

Rejections under 35 U.S.C. §103(a)

At least for the reasons noted above, we believe the claimed invention fails to be obvious over Dotsubo.

Furthermore, applicants respectfully submit that Dotsubo fails to disclose elements being arranged at intervals so as to avoid affecting each other after the low-pass-filter process, as set forth in claim 4. In fact, Dotsubo is completely silent about the interval between letters in the "title image".

Furthermore, applicants respectfully submit that Dotsubo fails to disclose that a brightness level of each pixel of the "title image" is calculated in the low-pass-filter process, as set forth in claim 5. The Examiner alleges that such a brightness level is calculated in Fig. 8 steps S131-S133 of Dotsubo. However, first of all, Dotsubo fails to include steps S131-S133. Secondly, Dotsubo Fig. 8 merely discloses that a LPF process is performed on the "title image", however, no specifics are given on what is done during this LPF process. In fact, Dotsubo makes no reference to a brightness level of the "title image" being calculated. We believe Dotsubo's calculations and equations are all relative to the photographed image data and not the "title image" data.

As such, we believe Dotsubo fails to make the claimed invention obvious.

To establish a *prima facie* case of Obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

Applicants respectfully submit that not only does the references fail to teach or suggest each and every feature as set forth in the claimed invention, but that one of ordinary skill in the art would not have been motivated to modify the teachings of Dotsubo to arrive at the claimed invention because there is no teaching or suggestion in Dotsubo regarding how or why one would modify such a method to arrive at the claimed invention.

Accordingly, withdrawal of the rejection of claims 4-14 under 35 U.S.C. §103(a) is respectfully requested.

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Conclusion

In view of the foregoing, Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

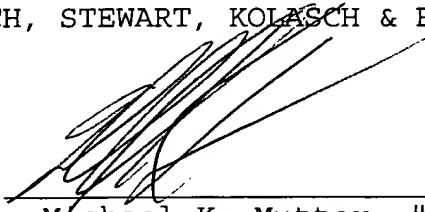
Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Carolyn T. Baumgardner (Reg. No. 41,345) at (703) 205-8000 to schedule a Personal Interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment from or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly, the extension of time fees.


Respectfully submitted,

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